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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/765,763	01/19/2001	Roger P. Hoffman	P/2-89	9720
<div>7590 Philip M. Weiss, Esq Weiss & Weiss 300 Old Country Road, Suite 251 Mineola, NY 11501</div>				
EXAMINER				
BORISSOV, IGOR N				
ART UNIT		PAPER NUMBER		
3628				
MAIL DATE		DELIVERY MODE		
05/24/2012		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary**Application No.**

09/765,763

Applicant(s)

HOFFMAN, ROGER P.

Examiner

IGOR BORISSOV

Art Unit

3628

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07/13/2010.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ An election was made by the applicant in response to a restriction requirement set forth during the interview on ____; the restriction requirement and election have been incorporated into this action.
- 4) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 5) ☒ Claim(s) 1-6 and 8-17 is/are pending in the application.
- 5a) Of the above claim(s) 4, 5, 8 and 10-17 is/are withdrawn from consideration.
- 6) ☐ Claim(s) ____ is/are allowed.
- 7) ☒ Claim(s) 1-3, 6, 9 is/are rejected.
- 8) ☐ Claim(s) ____ is/are objected to.
- 9) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 10) ☐ The specification is objected to by the Examiner.
- 11) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 12) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB-08)
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date ____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: ____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 07/13/2010 has been entered.

Response to Amendment

Amendment received on 07/13/2010 is acknowledged and entered. Claims 4, 5, 8, 10-17 have been withdrawn. Claim 7 has been canceled. Claims 1 and 6 have been amended. Claims 1-6 and 8-17 are currently pending in the application.

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 1-3, 6 and 9 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Independent claim 1 recites:

1. (Currently Amended) An integrated portal system consisting of;

a computer database;

an industry related portal;

a second portal of a different industry;

said system integrating said portals so that a user simultaneously displays information related to said portal and said second portal on a screen, and simultaneously search within both portals.

In accordance with MPEP 2111.03, the transitional phrase "consisting of" excludes any element, step, or ingredient not specified in the claim. In re Gray, 53 F.2d 520, 11 USPQ 255 (CCPA 1931); Exparte Davis, 80 USPQ 448, 450 (Bd. App. 1948) ("consisting of" defined as "closing the claim to the inclusion of materials other than those recited except for impurities ordinarily associated therewith."). But see Norian Corp. v. Stryker Corp., 363 F.3d 1321, 1331-32, 70 USPQ2d 1508, 1516 (Fed. Cir. 2004) (holding that a bone repair kit "consisting of" claimed chemicals was infringed by a bone repair kit including a spatula in addition to the claimed chemicals because the presence of the spatula was unrelated to the claimed invention).

Claim 1 requires simultaneous display of information on a screen, and simultaneous search functionality within both portals. However, claim 1 does not recite necessary elements to enable said functionality, there is no machine configured to do so, and there is no display recited in the claim. So as a transitional phrase "consisting of" excludes other elements from the claim, it is unclear how said functionality is enabled. Same rationale is applied to remaining independent claims 6 and 9.

Furthermore, MPEP 2111.03 states:

"A claim which depends from a claim which "consists of" the recited elements or steps cannot add an element or step."

Dependent claims 2 and 3 add additional elements or functionality, which is in contradiction to said MPEP 2111.03 requirement.

Accordingly, for the purposes of examination the Examiner understand the phrase "consisting of " as "comprising".

Further, Claim 1 is directed to a system and recite the following structural elements: "an industry related portal"; and "a second portal of a different industry", which is confusing.

The specification defines the portal as following:

[0007]

It is an object of the present invention for each of said portals to contain a mini portal and a micro portal. It is an object of the present invention for the system to have *a search engine, which can search a single portal having micro and mini portals or to search between portals.*

Apparently, the specification defines a "portal" as a collection of data files, or data per se. Furthermore, Microsoft ® Computer Dictionary, 4th ed. page 350, defines the term "portal" as: "a Web site that serves as a gateway to the Internet. A portal is a collection of links, content, and services designed to guide users to information they are

likely to find interesting – news, weather, entertainment, commerce sites, chat rooms, and so on. Yahoo!, Excite, MSN.com, and Netscape NetCenter are examples of portals”.

Therefore, it is not clear to what extent the term “portal” represents a structural element.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 1-2, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Chipman et al. (US 6,292,894) in view of Krishan et al. (US 6,442,529).

Chipman et al. (Chipman) teach a system for retrieving, organizing and utilizing networked data, consisting essentially of (For the purposes of searching for and applying prior art under 35 U.S.C. 102 and 103, absent a clear indication in the specification or claims of what the basic and novel characteristics actually are, “consisting essentially of” will be construed as equivalent to “comprising.” See, e.g., PPG, 156 F.3d at 1355, 48USPQ2d at 1355):

As per claim 1,

an industry related portal (column 4, lines 10-17);

a second portal of a different industry (column 4, lines 10-17), Chipman explicitly teaches that applications of said invention may include various industries, including aerospace industry, automotive industry, electronics, pharmaceutical and other industries (C. 14, L. 7-12);

said system integrating said portals so that a user can search and view information relating to both portals in a single system (column 2, lines 46-54; column 3, lines 51-65; C. 9, L. 39).

Chipman does not explicitly teach that information related to a first and second portal is displayed simultaneously.

Krishan et al. (Krishan) teaches a system for delivering targeted information and advertising over the Internet, wherein users are provided with an access to the Internet via Internet services providers (ISP) or via "mini-portals" provided by different entities in such a way that information provided by said "mini-portals" and different entities is displayed simultaneously (Fig. 9; C. 6, L.2-48; C. 20, L. 28-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Chipman to include that information related to a first and second portal is displayed simultaneously, as disclosed in Krishan, because it would advantageously simplify the process of selection of topic of interest for the user by not having to memorize the content of each separate Web page. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Chipman to include that information related to a first and second portal is

displayed simultaneously, as disclosed in Krishan, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. KSR, 550 U.S. at, 82 USPQ2d at 1395; Sakraida v. AG Pro, Inc., 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); Anderson's-Black Rock, Inc. v. Pavement Salvage Co., 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp., 340 U.S. 147, 152, 87 USPQ 303, 306 (1950).

As per claim 2, said method and system, wherein said user performs transactions (can order part or services) in said system (column 12, lines 40-41).

As per claim 9, Chipman teaches:
an industry related portal (column 4, lines 10-17);
a second portal of a different industry (column 4, lines 10-17), Chipman explicitly teaches that applications of said invention may include various industries, including

aerospace industry, automotive industry, electronics, pharmaceutical and other industries (C. 14, L. 7-12);

said system integrating said portals so that a user can search and view information relating to both portals in a single system (column 2, lines 46-54; column 3, lines 51-65; C. 9, L. 39); and

a program for online communication between individuals (data exchange) within an industry related portal and a second portal (Figs. 5 and 6; C. 6, line 63 – C. 7, line 14).

Chipman does not explicitly teach that information related to a first and second portal is displayed simultaneously.

Krishan teaches a system for delivering targeted information and advertising over the Internet, wherein users are provided with an access to the Internet via Internet services providers (ISP) or via "mini-portals" provided by different entities in such a way that information provided by said "mini-portals" and different entities is displayed simultaneously (Fig. 9; C. 6, L.2-48; C. 20, L. 28-41), and wherein online communication between individuals (email and voice mail) within an industry related portal and a second portal is provided (C. 11, L. 50-55; C. 21, L. 12-36).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Chipman to include that information related to a first and second portal is displayed simultaneously, as disclosed in Krishan, because it would advantageously simplify the process of selection of topic of interest for the user by not having to memorize the content of each separate Web page. Furthermore, it would have

been obvious to one having ordinary skill in the art at the time the invention was made to modify Chipman to include that information related to a first and second portal is displayed simultaneously, as disclosed in Krishan, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. KSR, 550 U.S. at, 82 USPQ2d at 1395; Sakraida v. AG Pro, Inc., 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); Anderson's-Black Rock, Inc. v. Pavement Salvage Co., 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp., 340 U.S. 147, 152, 87 USPQ 303, 306 (1950).

Claim 3 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chipman et al. in view of Krishan et al. and further in view of Conklin et al. (US 6,141,653).

As per claim 3, Chipman and Khrishan teaches all the limitations of claims 3, including a governing portal for each industry, and other mini-portals in that industry, except specifically teaching that said portals defined as a vertical market.

Conklin et al. (Conklin) teaches a multi-portal communication infrastructure wherein portals are defined as a vertical market (C. 12, L. 54-55).

It would have been obvious to one of ordinary skill in the art at the time of the invention to include defining portals as vertical market, as taught by Conklin in the system of Chipman and Krishan, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. KSR, 550 U.S. at, 82 USPQ2d at 1395; Sakraida v. AG Pro, Inc., 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); Anderson's-Black Rock, Inc. v. Pavement Salvage Co., 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp., 340 U.S. 147, 152, 87 USPQ 303, 306 (1950).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Chipman et al. in view of Krishan et al. and further in view of Rangan (US 6,412,073).

As per claim 6, Chipman teaches:

an industry related portal (column 4, lines 10-17);

a second portal of a different industry (column 4, lines 10-17), Chipman explicitly teaches that applications of said invention may include various industries, including aerospace industry, automotive industry, electronics, pharmaceutical and other industries (C. 14, L. 7-12);

said system integrating said portals so that a user can search and view information relating to both portals in a single system (column 2, lines 46-54; column 3, lines 51-65; C. 9, L. 39).

Chipman does not explicitly teach that information related to a first and second portal is displayed simultaneously.

Krishan teaches a system for delivering targeted information and advertising over the Internet, wherein users are provided with an access to the Internet via Internet services providers (ISP) or via "mini-portals" provided by different entities in such a way that information provided by said "mini-portals" and different entities is displayed simultaneously (Fig. 9; C. 6, L.2-48; C. 20, L. 28-41).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Chipman to include that information related to a first and

second portal is displayed simultaneously, as disclosed in Krishan, because it would advantageously simplify the process of selection of topic of interest for the user by not having to memorize the content of each separate Web page. Furthermore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Chipman to include that information related to a first and second portal is displayed simultaneously, as disclosed in Krishan, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. KSR, 550 U.S. at, 82 USPQ2d at 1395; Sakraida v. AG Pro, Inc., 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); Anderson's-Black Rock, Inc. v. Pavement Salvage Co., 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp., 340 U.S. 147, 152, 87 USPQ 303, 306 (1950).

The combination of Chipman and Krishan does not specifically teach a transaction-tracking component.

Rangan teaches a method and system for user-interactive portals accessible via the Internet, wherein a facility is provided for automatically tracking transactions made at various destinations (column 8, lines 20-21).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Chipman and Krishan to include transaction tracking component, as disclosed in Rangan, because it would advantageously allow to automate processing of the transactions for the users, as specifically stated in Rangan (C. 8, L. 19-23). Alternatively, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify the combination of Chipman and Krishan to include transaction tracking component, as disclosed in Rangan, since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable. The rationale to support a conclusion that the claim would have been obvious is that all the claimed elements were known in the prior art and one skilled in the art could have combined the elements as claimed by known methods with no change in their respective functions, and the combination yielded nothing more than predictable results to one of ordinary skill in the art. KSR, 550 U.S. at, 82 USPQ2d at 1395; Sakraida v. AG Pro, Inc., 425 U.S. 273, 282, 189 USPQ 449, 453 (1976); Anderson's-Black Rock, Inc. v. Pavement Salvage Co., 396 U.S. 57, 62-63, 163 USPQ 673, 675 (1969); Great Atlantic & P. Tea Co. v. Supermarket Equipment Corp., 340 U.S. 147, 152, 87 USPQ 303, 306 (1950).

Response to Arguments

Applicant's arguments filed 07/13/2010 have been fully considered but they are not persuasive.

In response to applicant's argument that claim 1 recites a portal which, in view of Microsoft's Computer Dictionary definition, is a structural element, it is noted that Microsoft © Computer Dictionary, 4th Ed. 1999, P. 124 defines the data file as: "A file consisting in the form of text, numbers or graphics, as distinct from a program file of commands and instructions". Examiner stipulates that data is not a structural element but is nothing more than information organized in certain way. Therefore, claim 1 is confusing because it is not clear to what extent the term "portal" represents a structural element.

Remaining Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Igor Borissov whose telephone number is 571-272-6801. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Hayes can be reached on 571-272-6708. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Igor N. Borissov/
Primary Examiner, Art Unit 3628
5/21/2012